

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD LOOS

Docket No. 07-CV6723 (PKL)

Plaintiff,

**Answer of Kenneth Weiss to
Third Party Complaint**

-against-

COMFORT INNS, INC. and CHOICE HOTELS
INTERNATIONAL, INC.

Defendants.

-----X
COMFORT INNS, INC. and CHOICE HOTELS
INTERNATIONAL, INC.

Third-Party Plaintiff,

-against-

KENNETH WEISS and RONDAVEL MANAGEMENT
CORPORATION

Third-Party Defendants.

-----X
Third-Party Defendant KENNETH WEISS by his attorneys Curan, Ahlers, Fiden
& Norris L.L.P., for his Answer to the Third-Party Complaint of Defendant/ Third-Party Plaintiff
CHOICE HOTELS INTERNATIONAL, INC., states upon information and belief as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 1, 2, 3, 4, 6, and 7 of the Third-Party Complaint.
2. Denies the allegations contained in Paragraph 5 of the Third-Party Complaint.

As To The First Claim
Against KENNETH WEISS

3. In response to the allegations contained in Paragraph 8 of the Third-Party Complaint, this defendant repeats and realleges its responses to Paragraphs 1 through 7 of the Third-Party Complaint.

4. Denies the allegations contained in Paragraphs 9, 10, and 11 of the Third-Party Complaint.

As To The Second Claim
Against RONDAVEL MANAGEMENT CORP.

5. In response to the allegations contained in Paragraph 12 of the Third-Party Complaint, this defendant repeats and realleges its responses to Paragraphs 1 through 11 of the Third-Party Complaint.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 13, 14, and 15 of the Third-Party Complaint.

First Affirmative Defense

7. The Third-Party Complaint fails to state a claim upon which relief can be granted against KENNETH WEISS.

Second Affirmative Defense

8. Any actions of KENNETH WEISS in the circumstances, and any contact between KENNETH WEISS and Plaintiff LOOS, were done in self-defense by WEISS.

Third Affirmative Defense

9. Plaintiff's damages, if any, were caused in whole or in part by plaintiffs' own culpable conduct. Such culpable conduct by plaintiffs shall act as a complete bar to plaintiff's

recovery, or his recovery, if any, should be diminished in proportion to the relative amount of comparative fault attributable to him.

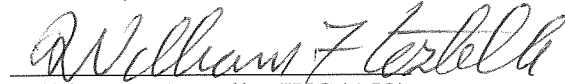
Fourth Affirmative Defense

10. Plaintiff's damages, if any, were caused in whole or in part by the culpable conduct of others over whom this third-party defendant had no control. If this third-party defendant is found liable for any injuries or damages sustained by plaintiff, such liability is limited to his equitable share, determined in accordance with the relative culpability to all persons or entities contributing to the total liability, including named parties and others as set forth in Article 16 of the New York Civil Practice Law and Rules.

Dated: White Plains, NY
December 10, 2007

Respectfully yours,

CURAN, AHLERS, FIDEN & NORRIS LLP



William F. Costello (WC4152)
Attorneys for Third-Party Defendant
KENNETH WEISS
14 Mamaroneck Avenue
White Plains, NY 10601
(914) 428-3313

TO:

MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.

Attorneys for Defendant/Third-Party Plaintiff

CHOICE HOTELS INTERNATIONAL, INC.

530 Saw Mill River Road

Elmsford, New York 10523

(914) 345-3701

File No. 308.79853

RONDAVEL MANAGEMENT CORP.

c/o Granik, Garson, Silverman & Nowicki
120 North Main Street
New City, NY 10956

LAW OFFICES OF ELIOT F. BLOOM, P.C.

Attorneys for Plaintiff

RICHARD LOOS

114 Old Country Road, suite 308
Mineola, New York 11501
(516) 739-5300

LAW OFFICES OF DONALD L. FRUM

Attorneys for the Defendant

**PALISADES LODGING CORPORATION,
trading as COMFORT INN**

565 Taxter Road – suite 150
Elmsford, New York 10523
(914) 347-5522

Certificate of Service by Mail

William F. Costello, declares pursuant to 28 U.S.C. 1746, under penalty of perjury:

On December 10, 2007,

I caused to be served the attached

Answer of Kenneth Weiss to Third Party Complaint,

upon the following counsel of record, by causing a copy to be mailed by first class mail, postage prepaid, to the following addresses designated by said attorneys for that purpose:

Marks, O'Neill, O'Brien & Courtney, P.C.
530 Saw Mill River Road
Elmsford, NY 10523

Law Offices of Donald L. Frum
565 Taxter Road – suite 150
Elmsford, NY 10523

Law Offices of Eliot F. Bloom, P.C.
114 Old Country Road, suite 308
Mineola, New York 11501

Rondavel Management Corp.
c/o Granik, Garson, Silverman & Nowicki
120 North Main Street
New City, NY 10956

Dated: White Plains, NY
December 10, 2007


WILLIAM F. COSTELLO (WC-4152)

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Answer of Kenneth Weiss to Third Party Complaint

CURAN, AHLERS, FIDEN & NORRIS L.L.P.
Attorneys for Plaintiff(s)

Please send reply correspondences to the Westchester office:

☐ *New York Office*
420 Lexington Avenue
New York, New York 10170
(212) 986-9600

☒ *Westchester Office*
14 Mamaroneck Avenue
White Plains, New York 10601
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